

March 31, 2006

AC TRANSIT  
ARGUS  
PACIFIC GAS & ELECTRIC COMPANY  
ALA. COUNTY FLOOD CONTROL  
ALA. COUNTY HEALTH DEPARTMENT  
ALA. COUNTY LIBRARY  
ALA. COUNTY WATER DISTRICT  
ALA. COUNTY PLANNING DEPARTMENT  
ALA. COUNTY CLERK'S OFFICE  
SANTA CLARA COUNTY TRANSPORTATION  
UNION SANITARY DISTRICT  
U.S. POST OFFICES

FREMONT UNIFIED SCHOOL DISTRICT  
FREMONT FIRE DEPARTMENT  
FREMONT FIRE PREVENTION  
FREMONT PARK PLANNING MANAGER  
FREMONT POLICE DEPARTMENT  
FREMONT ENVIRONMENTAL SERVICES  
CITY OF MILPITAS (PLANNING DEPT.)  
CITY OF NEWARK (PLANNING. DEPT.)  
CITY OF SAN JOSE (PLANNING DEPT.)  
CITY OF UNION CITY (PLANNING. DEPT.)

**OTHERS** (Check all that apply):

☐ **STATE CLEARINGHOUSE**

☐ **ALA. COUNTY CONGESTION MANAGEMENT AGENCY (WITH ACCOMPANYING CMA FORMS)**

**CONSULTATION TO DETERMINE ENVIRONMENTAL STATUS OF PROPOSED PROJECT**

The following project, designated as PLN2005-00312, has been proposed in the City of Fremont. A copy of the Initial Study and Draft Negative Declaration is attached. The project involves the amendment of the Zoning Ordinance related to condominium conversion and inclusionary housing regulations, applying affordability, renter protection, renter displacement and revised site and building upgrade requirements for condominium conversion projects. The results of this consultation will determine if the proposed project requires a Negative Declaration (no significant adverse environmental effect) or a full Environmental Impact Report. The public review period to receive written comment regarding any environmental concerns of your agency begins March 31, 2006 and ends April 20, 2006. Any comments as to whether the draft mitigated negative declaration should become final or whether an EIR should be prepared for the project must be submitted within twenty (20) days of the posting of this draft negative declaration. If this office receives no written comment regarding any environmental concerns of your agency by April 20, 2006, it shall be assumed that your agency has no comment to make. If it is determined that the project requires an EIR, your agency will receive a draft EIR for any further environmental comments.

**Public Hearing:** The Planning Commission is tentatively scheduled to consider the project at its April 27, 2006 meeting. City Council will review the proposed environmental document at a subsequent public hearing. All environmental documents are available for review at 39550 Liberty Street, Fremont.

**COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION**

Momoko Ishijima  
Planner II  
(510) 494-4683

Enclosures: Initial Study & Draft Negative Declaration

## **NEGATIVE DECLARATION**

The following proposed project has been reviewed, pursuant to the provisions of Resolution No. 3231, as amended, of the City Council of the City of Fremont for the purpose of determining the likelihood of a significant adverse environmental impact occurring as a result of project completion.

**NAME OF PROJECT:** Condominium Conversion Ordinance Zoning Text Amendment

**PROJECT NO.:** PLN2005-00312

**DESCRIPTION OF PROJECT:** The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations, applying affordability, renter protection, renter displacement and revised site and building upgrade requirements for condominium conversion projects. Subsequent residential projects that are subject to the City's condominium conversion regulations will undergo separate environmental review to determine if they pose any potential impacts to the environment.

**LOCATION OF PROJECT:** City-wide.

**GEOGRAPHIC LOCATION WITHIN CITY:** City-wide.

**NAME OF AUTHORIZED AGENT OF APPLICANT:** Momoko Ishijima, Planner II, Phone: (510) 494-4683; Fax: (510) 494-4402; email: [mishijima@ci.fremont.ca.us](mailto:mishijima@ci.fremont.ca.us)

**MAILING ADDRESS OF APPLICANT OR AGENT:** City of Fremont, P.O. Box 5006, Fremont, CA 94537-5006

**TYPE OF ENTITLEMENT SOUGHT:** Zoning Text Amendment

**MITIGATION MEASURES INCLUDED IN THE PROJECT TO AVOID POTENTIALLY SIGNIFICANT IMPACTS:** None

**EXPLANATION OF REASONS FOR THE FINDING:** A finding is proposed that this project will not have a significant effect on the environment. The proposed project will not conflict with any applicable land use plan, policy, or regulation of a General Plan designation. The proposed amendments will update the City's condominium conversion and inclusionary housing regulations. All subsequent projects will require environmental review to determine if they cause environmental impacts. Cumulative impacts of a significant level are not envisioned as density bonus projects are likely to be spread throughout the City rather than concentrated.

**Public Hearing:** The Planning Commission is scheduled to consider the project at its April 27, 2006 meeting. Planning Commission meetings are held in the City Council Chambers at the City Government building located at 3300 Capitol Avenue. All environmental documents are available for review at 39550 Liberty Street, Fremont.

Any comments as to whether the draft negative declaration should become final or whether an EIR should be prepared for the project must be submitted within 20 days of the posting of this draft negative declaration. The comment period begins March 31, 2006 and ends April 20, 2006.

If this draft negative declaration becomes final by Planning Commission action, or any other approval agency other than the City Council, any person who wishes to protest such final negative declaration must do so within five days of the date it becomes final by the filing of a written protest with the City Clerk and by payment of the required protest fee. If this draft negative declaration becomes final by City Council action, any person who disagrees with Council action may seek judicial review.

Posted within the Development Services Center on March 31, 2006.

Statement of Negative Declaration was reviewed and finally adopted by the approving agency, City Council, on \_\_\_\_\_.

Signed: \_\_\_\_\_  
City Clerk

Notice of Determination to be  
sent to:

☐ Posting of Notice

☐ County Clerk

☐ Mailed to owners of contiguous  
property

☐ Secretary of Resources

☐ Publish notice

IF THERE ARE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT:

Momoko Ishijima

Planner II

(510) 494-4683

NAME

TITLE

PHONE NUMBER

## Environmental Impact Analysis Initial Study (EIA-PLN2005-00312)

1. **Project title:** Condominium Conversion Ordinance Zoning Text Amendment
2. **Lead agency name and address (including e-mail address/fax no. as appropriate):**  
City of Fremont, P.O. Box 5006, Fremont, CA 94537-5006
3. **Contact person and phone number (including e-mail address/fax no. as appropriate):**  
Momoko Ishijima, Phone: (510) 494-4683, [mishijima@ci.fremont.ca.us](mailto:mishijima@ci.fremont.ca.us), Fax: (510) 494-4402
4. **Project location:** City-wide
5. **Project sponsor's name and address (including e-mail address/fax no. as appropriate):**  
City of Fremont, P.O. Box 5006, Fremont, CA 94537-5006  
Phone: (510) 494-4683, [mishijima@ci.fremont.ca.us](mailto:mishijima@ci.fremont.ca.us), Fax: (510) 494-4402
6. **General plan designation:** Any land use designation where residential development is allowed. This would typically occur within *Residential* land use designations but could also occur in commercial designations, typically as a mixed-use project.
7. **Zoning:** All land within the City zoned for residential and/or mixed-use development.
8. **Description of project:** The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations, applying affordability, renter protection, renter displacement and revised site and building upgrade requirements for condominium conversion projects. Subsequent residential projects that are subject to the City's condominium conversion regulations will undergo separate environmental review to determine if they pose any potential impacts to the environment.
9. **Surrounding land uses and setting:** The City of Fremont is located in Alameda County. The cities of Hayward and Union City border the City to the north, the San Francisco Bay to the west, the City of Milpitas, (Santa Clara County) to the south. Alameda County borders the City to the east.
10. **Congestion Management Program - Land Use Analysis:** Any project involving a General Plan Amendment or Notices of Preparation (NOP) and Environmental Impact Reports for large-scale projects must be submitted to the Alameda County Congestion Management Agency (ACCMA) for review. If a positive response is given to any of the following questions, information on the project and its environmental document (accompanied by appropriate support documentation/plans) will be transmitted to the ACCMA.

	YES	<b>X</b>	NO	This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency.	
	YES	<b>X</b>	NO		A Notice of Preparation is being prepared for this project.
	YES	<b>X</b>	NO		An Environmental Impact Report is being prepared.
11. **Other public agencies whose approval is required:** None.

### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agriculture Resources		Air Quality
	Biological Resources		Cultural Resources		Geology / Soils

	Hazards & Hazardous Material
	Mineral Resources
	Public Services
	Utilities / Service Systems

	Hydrology / Water Quality
	Noise
	Recreation
	Mandatory Findings of Significance

	Land Use / Planning
	Population / Housing
	Transportation / Traffic

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

<b>X</b>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: \_\_\_\_\_

Date: April 3, 2006

Printed Name: Momoko Ishijima, Planner II

For: City of Fremont

Senior Planner Review: \_\_\_\_\_

**ISSUES:**

Potentially Significant Impact	Less Than Significant With Mitigation Incorp.	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	-----------

**I. AESTHETICS -- Would the project:**

a.	Have a substantial adverse effect on a scenic vista?				<b>X</b>
b.	Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				<b>X</b>
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?				<b>X</b>
d.	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				<b>X</b>

*Comment: The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations. The proposed amendments will not, in and of themselves, create an aesthetic impact. Subsequent projects will be subject to environmental review to determine if they pose any potential to impacts to the environment.*

**II. AGRICULTURE RESOURCES -** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				<b>X</b>
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				<b>X</b>
c.	Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				<b>X</b>

*Comment: The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations. The proposed amendments to the Zoning Ordinance would only apply to developed residential and mixed uses. It is extremely unlikely that an agriculturally designated property could or would utilize provisions of the proposed ordinance. The lands would not be under a Williamson Act contract. None of these impacts are foreseen for this project.*

**III. AIR QUALITY --** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a.	Conflict with or obstruct implementation of the applicable air quality plan?				<b>X</b>
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				<b>X</b>

**ISSUES:**

		Potentially Significant Impact	Less Than Significant With Mitigation Incorp.	Less Than Significant Impact	No Impact
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				<b>X</b>
d.	Expose sensitive receptors to substantial pollutant concentrations?				<b>X</b>
e.	Create objectionable odors affecting a substantial number of people?				<b>X</b>

*Comment: The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations. The proposed amendments will not impact any Air Quality issues. Condominium conversion projects typically apply to existing and established rental apartment complexes and are not anticipated to impact Air Quality. However, subsequent projects will be subject to environmental review to determine if they pose any potential to impacts.*

**IV. BIOLOGICAL RESOURCES -- Would the project:**

a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				<b>X</b>
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				<b>X</b>
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				<b>X</b>
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				<b>X</b>
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				<b>X</b>
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				<b>X</b>

*Comment: The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations. Condominium conversion projects typically apply to existing and established rental apartment complexes and are not anticipated to impact Biological Resources. Future*

**ISSUES:**

Potentially Significant Impact	Less Than Significant With Mitigation Incorp.	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	-----------

projects will have to perform evaluations for the presence of burrowing owls, conduct tree surveys or other applicable studies, as appropriate to the project site(s), should any additional site work be proposed.

**V. CULTURAL RESOURCES -- Would the project:**

a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?				<b>X</b>
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				<b>X</b>
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				<b>X</b>
d.	Disturb any human remains, including those interred outside of formal cemeteries?				<b>X</b>

*Comment: The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations. Condominium conversion projects typically apply to existing and established rental apartment complexes and are not anticipated to impact Cultural Resources. Subsequent projects would be reviewed to determine if they would cause any impacts, should any additional site work be proposed.*

**VI. GEOLOGY AND SOILS -- Would the project:**

a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				<b>X</b>
	ii) Strong seismic ground shaking?				<b>X</b>
	iii) Seismic-related ground failure, including liquefaction?				<b>X</b>
	iv) Landslides?				<b>X</b>
b.	Result in substantial soil erosion or the loss of topsoil?				<b>X</b>
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				<b>X</b>
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				<b>X</b>
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				<b>X</b>

*Comment: The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations. Condominium conversion projects typically apply to existing and established rental apartment complexes and no geology or soils impacts are anticipated. Subsequent projects will be subject to environmental review to determine if they pose any potential to impacts to the environment, should any additional site work be proposed.*



**ISSUES:**

Potentially Significant Impact	Less Than Significant With Mitigation Incorp.	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	-----------

**VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:**

a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				<b>X</b>
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				<b>X</b>
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				<b>X</b>
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				<b>X</b>
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				<b>X</b>
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				<b>X</b>
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				<b>X</b>
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				<b>X</b>

*Comment: The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations. Condominium conversion projects typically apply to existing and established rental apartment complexes and are not anticipated to have Hazards and Hazardous Materials impacts. Subsequent projects will be subject to environmental review to determine if they pose any potential to impacts to the environment, should any additional site work be proposed.*

**VIII. HYDROLOGY AND WATER QUALITY -- Would the project:**

a.	Violate any water quality standards or waste discharge requirements?				<b>X</b>
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				<b>X</b>
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				<b>X</b>
d.	Substantially alter the existing drainage pattern of the site or				<b>X</b>

**ISSUES:**

		Potentially Significant Impact	Less Than Significant With Mitigation Incorp.	Less Than Significant Impact	No Impact
	area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				<b>X</b>
f.	Otherwise substantially degrade water quality?				<b>X</b>
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				<b>X</b>
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				<b>X</b>
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				<b>X</b>
j.	Inundation by seiche, tsunami, or mudflow?				<b>X</b>

*Comment: The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations. The proposed amendments would not create any of the impacts listed above. Condominium conversion projects typically apply to existing and established rental apartment complexes and are not anticipated to have Hydrology and Water Quality impacts. Subsequent projects will be subject to environmental review to determine if they pose any potential to impacts to the environment, should any additional site work be proposed.*

**IX. LAND USE AND PLANNING - Would the project:**

a.	Physically divide an established community?				<b>X</b>
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				<b>X</b>
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				<b>X</b>

*Comment: The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations. The proposed amendment is consistent with the General Plan and other City land use and planning policies as well as the State Subdivision Map Act. Condominium conversion projects typically apply to existing and established rental apartment complexes. Subsequent projects will be subject to environmental review to determine if they pose any potential to impacts to the environment and conformance with land use regulations and policies.*

**X. MINERAL RESOURCES -- Would the project:**

a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				<b>X</b>
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				<b>X</b>

**ISSUES:**

Potentially Significant Impact	Less Than Significant With Mitigation Incorp.	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	-----------

*Comment: The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations. The proposed amendments are not anticipated to have any effect on Mineral Resources. Subsequent projects will be subject to environmental review to determine if they pose any potential to impacts to the environment.*

**XI. NOISE -- Would the project result in:**

a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				<b>X</b>
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				<b>X</b>
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				<b>X</b>
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				<b>X</b>
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				<b>X</b>
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				<b>X</b>

*Comment: The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations. The proposed amendments will not create any noise impacts. The proposed zoning text amendments include provisions for meeting the interior and exterior sound transmission standards as part of the conditions of approval for condominium conversions. Future projects will have to perform noise and vibration evaluations as appropriate to the project site(s) and address noise impacts as part of the proposed conversion process.*

**XII. POPULATION AND HOUSING -- Would the project:**

a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				<b>X</b>
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				<b>X</b>
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				<b>X</b>

*Comment: The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations, which seeks to minimize displacement of tenants within existing rental housing. The proposed zoning text amendments will include new regulations related to protection for tenants affected by future condominium conversions projects. The new requirements include rent increase limitations, offering tenants discounted purchase prices, offering life-time leases for the elderly, and relocation assistance. The proposed zoning text amendment will also include the requirement for below market rate units at 15% of the total project, which is consistent with the current inclusionary requirements for new residential developments, and limit the total number of units converted annually to 100 residential units, which is equivalent to the average number of rental units produced between 2000 ~ 2005.*

**ISSUES:**

Potentially Significant Impact	Less Than Significant With Mitigation Incorp.	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	-----------

**XIII. PUBLIC SERVICES**

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a.	Fire protection?			X
	Police protection?			X
	Schools?			X
	Parks?			X
	Other public facilities?			X

*Comment: The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations. Typically, condominium conversion projects apply to established rental apartment complexes, where considerations for fire and police protection and demands on school, park and public facilities would have been assessed and addressed at the building permit stage and are not expected to increase demand for additional services. The proposed zoning text amendment includes provisions for the installation of fire sprinkler and smoke detectors as a condition of the condominium conversion.*

**XIV. RECREATION**

a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X

*Comment: The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations. The proposed amendments are not anticipated to have an adverse physical effect on recreation facilities or the environment. Condominium conversion projects typically apply to existing and established rental apartment complexes and are not anticipated to have Recreation impacts*

**XV. TRANSPORTATION/TRAFFIC -- Would the project:**

a.	Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X
b.	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X

**ISSUES:**

Potentially Significant Impact	Less Than Significant With Mitigation Incorp.	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	-----------

d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e.	Result in inadequate emergency access?				X
f.	Result in inadequate parking capacity?				X
g.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

*Comments: The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations. Typically, condominium conversion projects apply to established rental apartment complexes. No increase in traffic is expected as a result of a condominium conversion. Subsequent projects, however, will be required go through environmental review to evaluate traffic impacts.*

**XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:**

a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X

*Comment: The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations. Typically, condominium conversion projects apply to established rental apartment complexes and no increase in utilities and service systems are anticipated. The proposed zoning text amendment requires each dwelling unit to have separate gas and electric metering. Subsequent projects, however, will be required to go through environmental review to evaluate impacts.*

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE –**

a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or				X
----	---	--	--	--	---

**ISSUES:**

Potentially Significant Impact	Less Than Significant With Mitigation Incorp.	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	-----------

	prehistory?				
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				<b>X</b>
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				<b>X</b>

*Comment: The proposal is to amend the Zoning Ordinance related to condominium conversion and inclusionary housing regulations. All subsequent projects require subsequent environmental review to determine if they cause environmental impacts. Cumulative impacts of a significant level are not envisioned, as projects are likely to be spread throughout the City rather than concentrated in just a few areas.*

### **GENERAL SOURCE REFERENCES:**

1. City of Fremont General Plan (Land Use Chapter Text and Maps).
2. City of Fremont Zoning Ordinance and Maps.
3. Existing land use.
4. City of Fremont General Plan (Housing Chapter;).
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Health and Safety Chapter).
6. City of Fremont General Plan (Health and Safety Chapter).
7. National Pollutant Discharge Elimination System (NPDES).
8. Flood Insurance Rate Map and City of Fremont General Plan (Health and Safety Chapter).
9. City of Fremont General Plan (Transportation Chapter).
10. City of Fremont Natural Resources, General Plan Chapter [Biological resources, including Physical Zones, habitat zones (i.e., Tidal mudflat, wetland, low land, hill, grass land, etc), Unique Natural Areas (i.e., quarries, percolation ponds, etc.)].
11. City of Fremont General Plan (Natural Resources Chapter).
12. City of Fremont General Plan (Health and Safety Chapter, subsection Noise).
13. City of Fremont General Plan (Public Facilities Chapter).
14. City of Fremont General Plan (Natural Resources Chapter, subsection Scenic and Visual).
15. City of Fremont General Plan (Cultural Resources Chapter).
16. City of Fremont General Plan (Park and Recreation Chapter).
17. City of Fremont General Plan (Open Space Chapter).
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, dated April 1998, by Ca./EPA, pursuant to Government Code Section 65962.5.
19. City of Fremont Agricultural Preserves Lands Under Contract (Map and List).